

# memorandum

date May 13, 2010

to Chehalis River Basin Flood Authority

from ESA Adolfson

subject Peer Review and Fisheries Study

The Chehalis River Basin Flood Authority's budget for fiscal year 2010-2011 was signed by the Governor on Tuesday, May 4<sup>th</sup>. The legislation includes several provisions on actions the Flood Authority must take before pursuing a fisheries study for the proposed upstream storage project. The provisions require a peer review, coordination with the Chehalis Tribe and WDFW on the scope of the fisheries study, and coordination with the Corps of Engineers.

To expedite and coordinate these efforts, we are proposing that the Flood Authority appoint a Peer Review/Fisheries subcommittee to accomplish these tasks as detailed below. ESA Adolfson will provide staff support to the subcommittee.

## Peer Review

First, subsection (3)(a)(v) provides funding for "an independent peer review of completed geotechnical and hydrological studies of possible upper basin retention structures to be completed by October 2010." This refers to the Phase 2A reports provided to the Authority by the Lewis County PUD in November 2009. Subsection (3)(c)(i) says the Flood Authority must, "In consultation with the department of ecology, select qualified experts to conduct the peer review of geotechnical and hydrological studies." Subsection (3)(c)(ii) says that the "peer review must be submitted to the office of financial management before funds are allotted for the fish study."

ESA Adolfson has been in contact with the Governor's Executive Policy Office and the Department of Ecology to move this process forward. ESA Adolfson recommends the Flood Authority form a Peer Review/Fisheries Subcommittee to oversee the peer review. The subcommittee should have the authority to:

- make decisions on how the peer review is to be conducted (in consultation with the Department of Ecology) and select a qualified expert,
- direct Lewis County to issue an RFP or RFQ if needed,
- direct Lewis County to execute a contract with qualified experts up to \$50,000 if needed,
- review documents prepared by the qualified experts, and
- submit the completed peer review to OFM.

### Fisheries Study

Subsection (3)(c)(ii) requires the Flood Authority to “consult with the Washington state department of fish and wildlife, the confederated tribes of the Chehalis reservation, and the Lewis county public utility district to develop and agree upon a scope of work for, and select a qualified expert to, conduct the fish study.”

ESA Adolfson recommends that this process should also be pursued by the Peer Review/Fisheries Subcommittee. The subcommittee should have the authority to:

- consult with the Chehalis Tribe, WDFW, and the PUD and approve a study proposal/scope,
- determine, in consultation with the above entities, if an RFP is required to select a qualified expert,
- direct Lewis County to issue an RFP,
- serve with the above entities as a selection committee for respondents to the RFP,
- negotiate final scope and budget with the selected qualified expert, and
- direct Lewis County to execute a contract with a qualified expert up to \$900,000.

### Coordination with the Corps of Engineers

Subsection (3)(b) requires the Flood Authority to “submit any new study proposal to the basinwide general investigation project manager of the United States army corps of engineers for review.” The purpose of this coordination is to ensure, to the extent possible, that work done will be eligible to serve as in-kind match for the basin-wide General Investigation. In the event the Corps cannot respond in a timely manner, the Governor’s letter supports moving forward to develop study scopes of work likely to qualify as federal match under Corps rules.

ESA Adolfson recommends that the subcommittee be authorized to submit the study proposal to the Corps of Engineers. Given the typical length of an RFP process, comments from the Corps are anticipated to be available before final scope negotiation.

### Next Steps

We recommend that the Flood Authority form a three-person Peer Review/Fisheries Subcommittee at the May 20<sup>th</sup> Authority meeting. We also recommend that the Flood Authority authorize it to make all decisions and take all actions listed above. In the interest of moving forward as quickly as possible, we will schedule a meeting with the subcommittee and representatives of the PUD, WDFW, the Chehalis Tribe, and the Department of Ecology for the last week of May.

### Timeline

May 20<sup>th</sup>: Form subcommittee

Late May: Subcommittee meeting

Early June: Peer review begins, fisheries study proposal sent to Corps, fisheries RFP issued

Late June: Fisheries proposals due, selection process begins

Early July: Feedback received from Corps

July: Peer review complete

July: Contract and scope negotiations with selected firm, scope finalized based on Corps feedback and peer review

Early August: Contract approved, work begins